IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1237/01

Ramswaroop **Versus** State & Ors.

DATE OF ORDER :: 26/09/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Dr. Y.C. Sharma, for petitioner (complainant)
Mr. Arun Sharma, Public Prosecutor for State
Mr. Ashok Sharma, for respondents (accused)

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Instant petition has been filed assailing the order dated 1st October, 2001 whereby learned Court of Revision while accepting the revision petition preferred by accused-non-petitioners set aside the order taking cognizance against them for offence u/ss.420, 465, 467 & 468 IPC.

Complainant-petitioner filed a private complaint on 15th April, 1993 for offence u/ss.420, 465, 467 & 468 IPC against accused-non-petitioners in which the basic fact as alleged was that document dated 7th April, 1970 which has been maintained by settlement department in regard to record of rights was a forged document prepared by the accused-non-petitioners and certain fact in relation to it was also alleged therein. Learned trial Judge after taking into

consideration the statement recorded, took cognizance against them vide order dated 5th September, 1997 which was challenged by accused-non-petitioners by filing revision petition. Learned Court of Revision while examining prima facie evidence, particularly the document for which it was alleged that it has been forged by accused-non-petitioners dated 7th April, 1970, prima facie observed that this document was maintained by settlement department and in the presence of complainant himself and with his consent, names of accused-non-petitioners were also entered in the record of rights and no evidence prima facie came on record by which it can be inferred that the document maintained by settlement department with regard to record of rights of land holders can be alleged to be forged.

This Court has also looked into the document dated 7th April, 1970 and it appears that it has been recorded in the presence of complainant himself and this court does not find any error in regard to finding recorded by learned Revisional Court particularly in Para 4 of order impugned. Apart from it, the entries made in the record of rights were properly adjudicated even upto the Board of Revenue.

This court does not find any error which has been committed by Court of Revision in passing order impugned dated 1st October, 2001 which may call for interference.

Consequently, the misc. petition fails and is hereby dismissed. Record be sent back to trial court.

[AJAY RASTOGI],J.

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